



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. Of: SAEKI

Serial No.: 09/910,117

Filed: July 20, 2001

For: CLOCK CONTROLLING METHOD AND CIRCUIT

Group: 2816

Examiner: LINH M. NGUYEN

DOCKET: NE6G226

Assistant Commissioner of Patents & Trademarks
Washington, D.C. 20231

*Approved to be
entered*

AMENDMENT C UNDER RULE 116

Dear Sir:

*LAN
03/07/03*

This Amendment is being filed in response to the Final Action mailed October 31, 2002.

REMARKS

The allowance of claims 33-35 is noted, with thanks.

In the Action, the Examiner rejected claims 1, 28 and 31 as anticipated by Shieh et al. (U.S. Patent No. 6,323, 705), and claim 29 as obvious over Shieh et al. in view of Tanis et al. (U.S. Patent No. 5,258,724). Enclosed herewith is a Declaration under 37 CFR 1.131 which establishes that the Applicant completed the claimed invention before the U.S. filing date of the Shieh et al. reference. In this regard, Applicant notes that the Shieh et al. Patent, which issued after the filing date of the subject Application, has an April 25, 2000 U.S. filing date. Since this Application was filed on or after January 1, 1996, pursuant to § 531(b) of Public Law 10-465, the Amendment made to 35 USC §104 is applicable in this case. Accordingly, Applicant's Declaration under 37 CFR 1.131, which clearly shows completion of the claimed invention in a WTO member country, i.e., Japan, prior to the April 25, 2000 filing date of the Shieh et al. Patent removes the Shieh et al. Patent as citable prior art under 35 USC §102/103. Accordingly,

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